

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

THEODORE HOOKS,

Plaintiff(s),

v.

DELTA AIR LINES, LLC, et al.,

Defendant(s).

Case No. 2:13-CV-1892 JCM (VCF)

ORDER

Presently before the court are Magistrate Judge Ferenbach's report and recommendation. (Doc. # 23). *Pro se* plaintiff Theodore Hooks has not filed an objection and the deadline to do so has passed.

This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a de novo determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1).

Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge's report and recommendation where no objections have been filed. *See United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the district court when reviewing a report and recommendation to which no objections were made); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the view that district courts are not required to review "any issue that is not the subject of an objection."). Thus, if

1 there is no objection to a magistrate judge's recommendation, then this court may accept the  
2 recommendation without review. *See, e.g., Johnstone*, 263 F. Supp. 2d at 1226 (accepting,  
3 without review, a magistrate judge's recommendation to which no objection was filed).

4 Nevertheless, this court finds it appropriate to engage in a de novo review to determine  
5 whether to adopt the recommendation of the magistrate judge. Plaintiff submitted a complaint  
6 on October 28, 2014. (Doc. # 3). Because the court granted plaintiff's request to proceed *in*  
7 *forma pauperis*, the court screened the complaint under 28 U.S.C. § 1915(e)(2).

8 On April 4, 2014, the magistrate judge issued an order requiring the parties to deliver  
9 their Early Neutral Evaluation ("ENE") statements to chambers no later than May 6, 2014. (*See*  
10 doc. # 15). The magistrate judge did not receive an ENE statement from plaintiff. On May 8,  
11 2014, the magistrate judge ordered plaintiff to submit an ENE statement no later than May 12,  
12 2014. (*See* doc. # 17). Plaintiff, again, did not submit an ENE statement. The magistrate judge  
13 vacated the ENE conference as a result.

14 On May 19, 2014, defendant Delta Air Lines filed a request to reschedule the ENE.  
15 (Doc. # 19). On June 20, 2014, the magistrate judge issued an order to show cause why plaintiff  
16 should not be sanctioned for failing to comply with the court's May 12, 2014, order. (Doc. #  
17 20). Plaintiff's response to that order to show cause was due no later than July 7, 2014. (*See*  
18 *id.*). Plaintiff failed to respond. The magistrate judge sanctioned plaintiff in the amount of \$100  
19 for failing to comply with the court's orders. (*See* doc. # 21). Plaintiff still failed to comply.  
20 The magistrate judge recommends the case be dismissed based on plaintiff's repeated failure to  
21 comply with the court's orders. (*See* doc. # 23).

22 The court has warned plaintiff numerous times that failure to comply with its orders  
23 could result in case-dispositive sanctions. The magistrate judge's order to show cause (doc. #  
24 20), and order sanctioning plaintiff (doc. # 21), advised plaintiff that failure to timely comply  
25 may result in a recommendation to the district judge for dismissal. In light of the failure to pay  
26 the \$100 sanction, there appears no justification for the plaintiff's failures to respond to court  
27 orders. The court finds plaintiff's repeated noncompliance with this court's orders warrants  
28 case-dispositive sanctions.

Accordingly,

IT IS FURTHER ORDERED that the complaint be DISMISSED with prejudice. The Court is instructed to enter judgment accordingly and close the case.

DATED November 5, 2014.

James C. Mahan  
UNITED STATES DISTRICT JUDGE